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MAR 10 2004

OFFICE OF PETITIONS

In re Application of  
Stephen James  
Application No. 10/655,839  
Filed: September 19, 2003  
For: SWITCH WITH INSULATION  
DISPLACEMENT CONNECTORS

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: Decision on Petition  
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This is in reply to Petitioner's "Petition or Request For Nonpublication," filed on February 2, 2004, which is being treated as a Petition under 37 CFR 1.183.

The decision is Dismissed.

Petitioner requests that the application not be published under 35 U.S.C. 122(b). Petitioner makes the Non-Publication Request certification and ask for this request to be treated as a petition for late acceptance of the request.

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification. The statute also permits the Office to publish applications filed before November 29, 2000, when applicant requests publication of such an application.

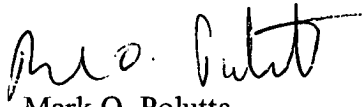
The Office has no statutory authority to accept a nonpublication request that was not filed on the filing date of the application. The application remains scheduled to publish on March 24, 2005.

If applicant desires to avoid publication, he may file a continuation application under 37 CFR 1.53(b) with a nonpublication request claiming benefit to the instant application under 35 U.S.C. 120 and thereafter abandoning the application. To avoid publication, the abandonment must be received by the Office and recognized in time to avoid publication. For further information see the "Q's & A's" under the American Inventors Protection Act of 1999 (AIPA), which is under Patents on the USPTO website, and posted at:  
<http://www.uspto.gov/web/offices/dcom/olia/aipa/index.htm>

The application will be examined in due course.

The petition fee of \$130.00 under 37 CFR 1.17(h) will be charged to petitioner's Deposit Account No. 03-1728.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)308-8122.

A handwritten signature in black ink, appearing to read "Mark O. Polutta", with a stylized flourish at the end.

Mark O. Polutta  
Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy